

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JOHN W. BOLSCH and THERESA
BOLSCH,

Plaintiffs,

- against -

MW MECHANICAL, INC.,

Defendant.

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MW MECHANICAL, INC.,

Defendant/Third-Party Plaintiff,

-against-

HINES INTERESTS LIMITED PARTNERSHIP
and 140 BW LLC,

Third-Party Defendants.

-----X
C O U N S E L O R S :

Defendant and Third-Party Plaintiff, MW MECHANICAL, INC., by its attorneys,
COHEN, KUHN & ASSOCIATES, answering the counterclaim of third-party
defendants, HINES INTERESTS LIMITED PARTNERSHIP and 140 BW LLC, herein,
respectfully alleges upon information and belief:

1. Denies each and every allegation in the first counterclaim paragraph "62"
of the answer of third-party defendants, HINES INTERESTS LIMITED PARTNERSHIP
and 140 BW LLC.

**ANSWER TO THIRD-PARTY
DEFENDANTS' COUNTERCLAIM**

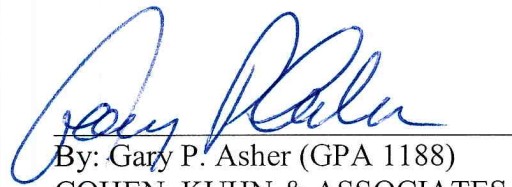
Civil No: 07 CIV 7680 (RPP)

Trial by Jury Demanded

2. Denies each and every allegation in the second counterclaim paragraph “63” of the answer of third-party defendants, HINES INTERESTS LIMITED PARTNERSHIP and 140 BW LLC.

WHEREFORE, defendant, MW MECHANICAL, INC., demands judgment dismissing the third-party defendants’ counterclaim against it, together with the costs and disbursements of this action, with such other, further and different relief as this Court may deem just and proper.

Dated: New York, New York
February 14, 2008



By: Gary P. Asher (GPA 1188)
COHEN, KUHN & ASSOCIATES
Attorneys for Defendant
MW MECHANICAL, INC.
Two Park Avenue, 6th Floor
New York, New York 10016
(212) 553-8736

TO: PEREZ & VARVARO
By: Joseph Varvaro (4224)
Attorneys for Third-Party Defendants
HINES INTEREST LIMITED PARTNERSHIP,
and 140 BW LLC
333 Earle Ovington Boulevard
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LAW OFFICES OF MICHAEL J. ASTA
(MJA 1035)
Attorneys for Plaintiffs
JOHN W. BOLSCH and THERESA BOLSCH
450 Seventh Avenue, Suite 2205
New York, NY 10123
(212) 244-6555

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
) SS:
COUNTY OF NEW YORK)

MARIE SOUFFRANT-SANTIAGO, being duly sworn, deposes and says that she is employed in the law office of COHEN, KUHN & ASSOCIATES at Two Park Avenue, 6th Floor, New York, NY 10016, that on the 19th day of February, 2008, deponent, who is not a party to this action and is over eighteen years of age, served the annexed – ANSWER TO THIRD-PARTY DEFENDANTS' COUNTERCLAIM - upon:

PEREZ & VARVARO Attorneys for Third-Party Defendants
By: Joseph Varvaro (4224) HINES INTEREST LIMITED PARTNERSHIP,
 and 140 BW LLC
 333 Earle Ovington Boulevard
 P.O. Box 9372
 Uniondale, NY 11553-3644
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LAW OFFICES OF MICHAEL J. ASTA -(MJA 1035)
 Attorneys for Plaintiffs
 JOHN W. BOLSCH and THERESA BOLSCH
 450 Seventh Avenue, Suite 2205
 New York, NY 10123
 (212) 244-6555

in this action, by depositing a true copy thereof properly and securely endorsed in a duly postpaid wrapper, in a post-office box in the County of New York, New York regularly maintained by the government of the United States at Two Park Avenue, 6th Floor, New York, NY 10016 and under the care of the New York, New York Post-office, which is the post-office of COHEN, KUHN & ASSOCIATES, attorneys for the defendant, MW MECHANICAL, INC., herein directed to the addresses shown above, that being the addresses within the State designated by said attorneys for that purpose upon the last preceding papers in this action.


MARIE SOUFFRANT-SANTIAGO

Sworn to before me this
19th day of February, 2008


NOTARY PUBLIC

MICHAEL CAVALOWITZ
Notary Public, State of New York
No. 41-488251
Qualified in Queens County 2011
Commission Expires April 15, 2011